



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 157**

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**Hearing Date:** January 17, 2007

**Committee On:** Judiciary

**Introducer(s):** (Stuthman)

**Title:** Provide for leaving an infant with a firefighter or hospital staff member

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- |   |                     |   |
|---|---------------------|---|
| 5 | Yes                 | Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen |
|   | No                  |   |
| 3 | Present, not voting | Sen. Chambers, Sen. Pirsch, Sen. Schimek                              |
|   | Absent              |   |
- 

**Proponents:**

Jim Gordon  
Jessica Kolterman  
Judith Billings

**Representing:**

Nebraska Nurses Association

**Opponents:**

John Lindsay  
Bruce Rieker  
Chris Costantakos  
Susan Sapp  
David Buntain  
Grace Sundermeier  
Jerry Stillmock

**Representing:**

NATA  
NHA  
Citizen  
Citizen  
NMA  
Citizen  
NE Volunteer Firefighters

**Neutral:**

Vanesa Hernadez

**Representing:**

Voices for Children

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**Summary of purpose and/or changes:**

Legislative Bill 157 proposes to allow parents to abandon an infant child 72 hours old or younger at a fire station or hospital under certain conditions.

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Specifically, the act requires an on-duty firefighter or hospital employee to accept custody of an abandoned infant if the child is 72 hours old or younger and the parent(s) do not express any intent to return for the child. After accepting custody of an abandoned child, the firefighter or hospital employee must take necessary steps to preserve the health and safety of the child and notify law enforcement within 4 hours. Firefighters and hospital employees complying with the provisions of the act are provided with criminal and civil immunity for any acts or omissions taken in good faith.

The bill also requires the Department of Health and Human Services (HHS) to place a child abandoned under the act with a potential adoptive parent as quickly as possible and to initiate proceedings to terminate the parental rights of a parent who abandons a child under the act. Lastly, HHS is required to compile statistics on the number of children abandoned pursuant to the act and to report to the legislature on an annual basis beginning in 2008.

**Explanation of amendments, if any:**

The committee amendment to LB 157 makes the following changes to the bill as introduced:

1. Amends section 28-705, the criminal prohibition on abandonment of a child to clarify that leaving a child with a safe haven provider does not subject a parent to prosecution for child abandonment.
2. Increases from 3 days to 30 days, the age of infants which can be left with a safe haven provider under the act.
3. Removes the requirement in subsection 1 of the bill that a parent leaving a child with a safe haven provider must indicate an intention not to return for the child.
4. Strikes subsection 3 providing immunity from civil or criminal liability for good faith acts or omissions performed by firefighters or hospital personnel pursuant to the act.
5. Amends subsection 5 of the bill to require HHS to track and report children who are abandoned at other locations as well and not just those left at a safe haven so that a meaningful comparison can be made.
6. Strikes subsection 7 directing the Department of Health and Human Services to place a child left at a safe haven with an adoptive family as soon as possible and to file a petition to terminate the parental rights.
7. Minor technical changes to remove unnecessary language and unneeded references to the term abandonment.

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**Senator Brad Ashford, Chairperson**